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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,650

12/30/2003

Lee Delson Wilhelm

19,927

6898

23556 7590 03/09/2007
KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT

PAPER NUMBER

3726

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/748,650

Applicant(s)

WILHELM, LEE DELSON

Examiner

Marc Jimenez

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 3-5 and 8** are rejected under 35 U.S.C. 102(b) as being anticipated by Zenczak et al. (US6170728).

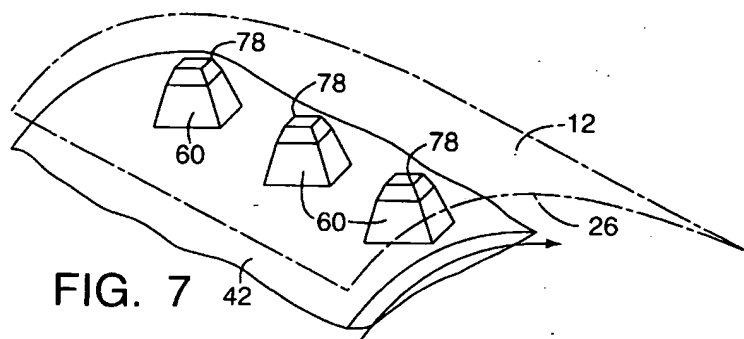
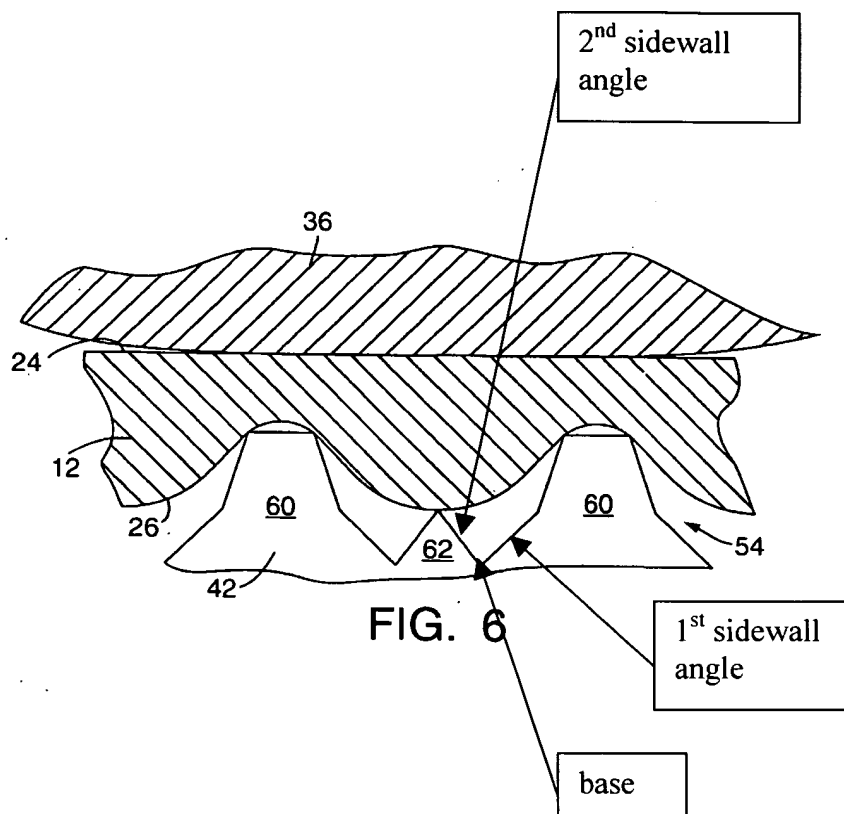
Zenczak et al. teach an apparatus comprising: a surface containing at least one embossing element (figure 6); the embossing element having a first sidewall extending from a base to a top having a first sidewall angle and a second sidewall opposing the first sidewall (see markup of figure 6 below), the second sidewall extending from the base to the top and having a second sidewall angle; and wherein the first sidewall angle is different than the second sidewall angle.

U.S. Patent

Jan. 9, 2001

Sheet 3 of 3

US 6,170,728 B1



3. **Claims 1-5, 8 and 14** are rejected under 35 U.S.C. 102(b) as being anticipated by Peters (US4068620).

Peters teaches an apparatus comprising: a surface containing at least one embossing element (figure 4); the embossing element having a first sidewall extending from a base to a top having a first sidewall angle and a second sidewall opposing the first sidewall (see markup of figure 4 below), the second sidewall extending from the base to the top and having a second sidewall angle; and wherein the first sidewall angle is different than the second sidewall angle.

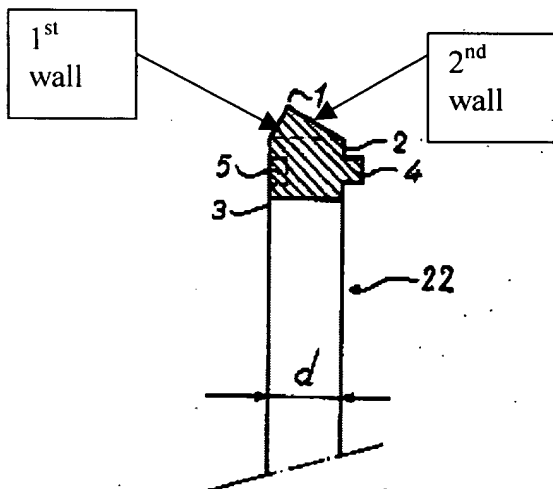


Fig. 4

In figure 1, Peters teaches there are multiple sections (22). See markup below:

U.S. Patent

Jan. 17, 1978

Sheet 1 of 3

4,068,620

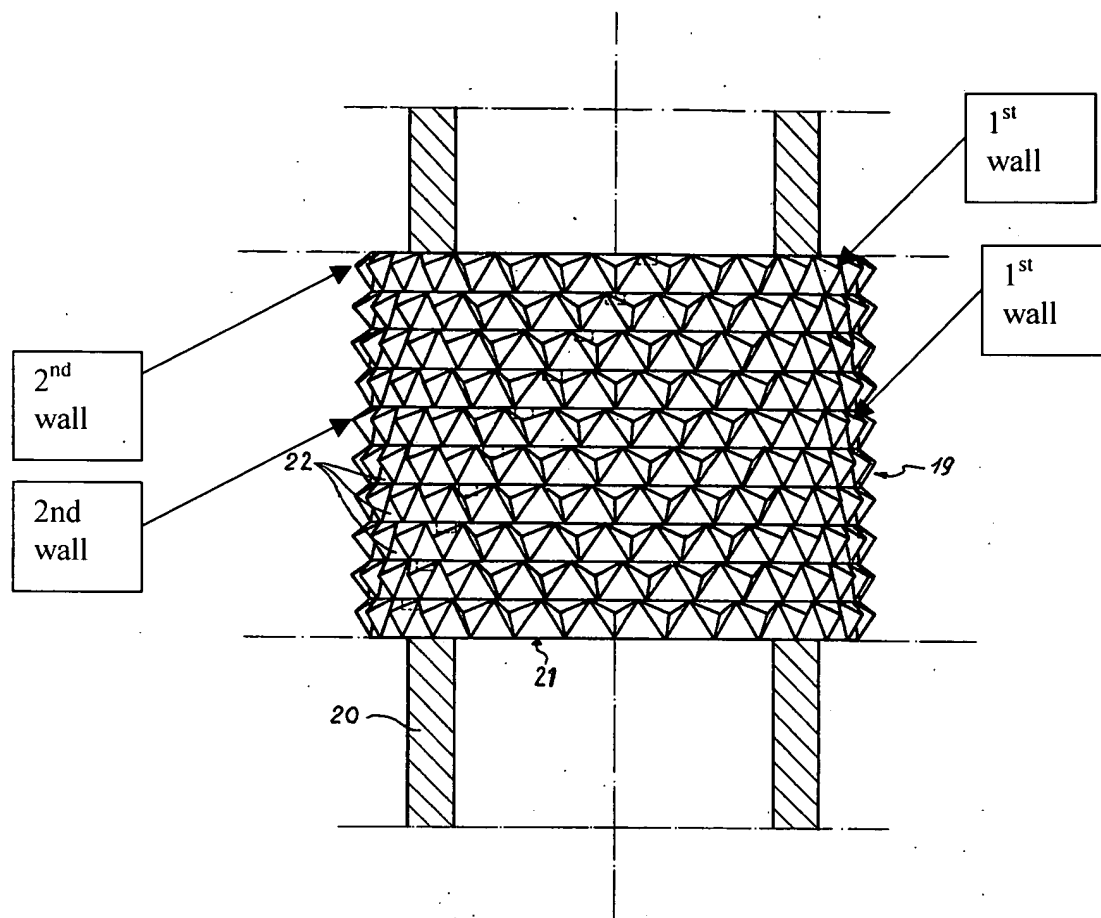


Fig. 1

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 6, 7, 9-13 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Zenczak et al. or Peters.

Zenczak et al. or Peters do not specifically disclose the claimed angles of the sidewalls.

However, it would have been an obvious matter of design choice to a person of ordinary skill in the art, at the time of the invention, to have provided the claimed angles of the sidewalls, in order to provide a surface having the desired characteristics.

Zenczak et al. or Peters do not specifically teach the particular gap between side walls.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the claimed gap between the sidewalls, in order to provide a surface having the desired characteristics.

6. **Claims 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zenczak et al. or Peters in view of Schulz (US5597639).

Zenczak et al. or Peters do not specifically teach having a radius for the first and second walls.

Schulz teaches that it is known to round areas of embossing areas (col. 12, lines 20-22).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of either one of Zenczak et al. or Peters with a radius, in light of the teachings of either one of Zenczak et al. or Peters, in order to create an emboss pattern that is less sharp as suggested by Schulz (col. 12, line 22).

Response to Arguments

7. Applicant's arguments with respect to claims 1-16 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3726

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Interviews After Final

9. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing) to clarify issues for appeal requiring only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

10. Any inquiry concerning this communication should be directed to Marc Jimenez at telephone number (571) 272-4530.


Art Unit 3726

MARC JIMENEZ
PRIMARY EXAMINER

3-3-07